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July 29, 2011

US EPA RECORDS CENTER REGION 5



412051

By Overnight Federal Express

Ms. Marsha A. Adams
United States Environmental Protection Agency
Enforcement Services Section 2
Mail Code SE-5J
77 W. Jackson Blvd.
Chicago, IL 60604

**Re: Request for Information Pursuant to Section 104(e) of CERCLA Directed to
Garcia Trucking Co. regarding Chemetco Facility in Hartford, Madison
County, Illinois**

Dear Ms. Adams:

Please find enclosed the Response of B. Garcia Trucking Co. ("Garcia Trucking") to the United States Environmental Protection Agency's ("EPA") March 21, 2011 Request for Information pursuant to Section 104(e) of CERCLA regarding the Chemetco Facility in Hartford, Madison County, Illinois. Pursuant to our telephone conversation of July 11, 2011, Garcia Trucking was granted an extension to respond to the Request for Information until July 29, 2011.

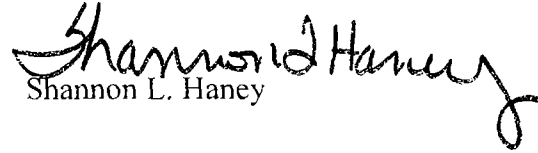
Garcia Trucking's Response is based on the current state of Garcia Trucking's knowledge concerning the issues raised in EPA's Request for Information. Garcia Trucking reserves the right to supplement or modify its Response if subsequently discovered information alters Garcia Trucking's responses. Further, Garcia Trucking provides this Response with no admission of liability reserving all of its defenses.

Thank you and please feel free to contact me if you would like to discuss further.

Sincerely,

GREENSFELDER, HEMKER & GALE, P.C.

By


Shannon L. Haney

SLH/seh
12869163

cc: Daniel Suarez, Garcia Trucking

**RESPONSE OF B. GARCIA TRUCKING CO.
TO REQUEST FOR INFORMATION PURSUANT
TO SECTION 104(e) OF CERCLA REGARDING
CHEMETCO FACILITY IN HARTFORD, MADISON COUNTY, ILLINOIS**

B. Garcia Trucking Co. ("Garcia Trucking") submits this response to the United States Environmental Protection Agency's ("EPA") March 21, 2011 Request for Information Pursuant to Section 104(e) of CERCLA regarding the Chemetco facility in Hartford, Madison County, Illinois.

General Reservations and Objections

1. These responses, while based on a diligent investigation by Garcia Trucking, reflect only the current state of Garcia Trucking's knowledge, understanding and belief with respect to the matters addressed. These responses are neither intended as, nor shall they in any way be deemed, admissions or representations that further information does not exist. Without in any way obligating itself to do so, Garcia Trucking reserves the right to modify or supplement its responses with such pertinent information as may be subsequently discovered. Furthermore, these responses are given without prejudice to Garcia Trucking's right to use or rely on at any time subsequently discovered information, persons or documents omitted from these responses as a result of, among other things, mistake, error, oversight or inadvertence.

2. Due to the passage of time, Garcia Trucking has very few records or documents concerning any of Garcia Trucking's transportation relating to the Chemetco Site. At this time, Garcia Trucking is unaware of any other documents in its care, custody or control which are responsive to this Request for Information other than the one previously provided to EPA.

3. That Garcia Trucking has responded to any of the Requests for Information or part thereof should not be taken as an admission that Garcia Trucking accepts or admits the existence of any "facts" set forth or assumed by such Requests for Information. That Garcia

Trucking has responded to part or all of any of the Requests for Information is not intended to be, and shall not be construed to be, a waiver by Garcia Trucking of all or any part of any objection to any Request made herein.

4. Garcia Trucking objects to any of the Requests for Information which would require it to produce information not within Garcia Trucking's care, custody or possession including information which may be in the control of other companies who transported materials to the Chemetco Site.

5. Garcia Trucking submits this Response for purposes of responding to the Request for Information issued by EPA. Garcia Trucking objects to the extent its Response is used in any other proceeding or action. Garcia Trucking reserves the right to object to the competency, materiality, relevance, privilege and any other objection in such other proceeding.

6. Garcia Trucking objects to the Requests for Information as unduly burdensome, vague, ambiguous and overly broad.

7. Garcia Trucking objects to the Request for Information to the extent any of the Requests imply that Garcia Trucking is responsible or liable for any contamination, release, spill or leak at the Chemetco Site.

8. Garcia Trucking objects to the extent the "Instructions for Responding to Request for Information" require Garcia Trucking to obtain information not currently in its possession such as information from former employees or the employees of companies other than Garcia Trucking.

9. Garcia Trucking objects to the production of any information protected from disclosure by the attorney-client privilege, work product immunity or other applicable privilege or immunity.

10. Garcia Trucking objects to the Request for Information to the extent it seeks information broader than the Chemetco Site.

11. Garcia Trucking incorporates each of these General Reservations and Objections into each specific response below.

INFORMATION REQUESTS

Request for Information No. 1: Identify all persons and/or companies, including you, who may have transported materials to the Site. Such persons/companies will be hereinafter referred to as "Transporters."

ANSWER:

As of the time of this response, Garcia Trucking is unaware of the names of any other persons or companies who transported material to the Chemetco Site.

Request for Information No. 2: State whether you accepted materials, including municipal solid waste from a municipality or arranged with a municipality by contract or otherwise, for transport to the Site from any source. If so, below you will be asked to provide detailed information on the nature, quantity, and source of all materials accepted and transported to the Site from each source. In response to this question, provide a general description of the materials transported to the Site and the timeframes in which you transported these materials to the Site.

ANSWER:

Garcia Trucking objects to this Request for Information as the term "materials" is undefined and vague. Subject to this objection and the General Reservations and Objections, Garcia Trucking responds that it delivered silica sand from Unimin in Pevely, Missouri to Chemetco. The delivery of silica sand was done on a daily basis by a dedicated driver with multiple truck loads of silica sand being delivered on a daily basis. The majority of Garcia Trucking's records concerning this delivery to Chemetco have been destroyed due to the passage of time, but Garcia Trucking estimates it hauled silica sand to Chemetco from approximately 1995 until sometime in 1999. Garcia Trucking did not transport municipal solid waste or arrange for the transport of municipal solid waste to the Chemetco Site. Garcia Trucking did not haul any waste materials to the Chemetco Site.

Request for Information No. 3: List all federal, state and local permits and/or registrations issued to you for the transport and/or disposal of materials.

ANSWER:

Garcia Trucking holds various permits issued by the Department of Transportation and a Special Waste Hauling Permit issued by the Illinois Environmental Protection Agency.

Request for Information No. 4: Provide the following information about your company:

- i. The complete and correct legal name of the Company.
- ii. The name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the Company.
- iii. The state of incorporation of the Company and the company's agents for service.
- iv. The name(s) of all subsidiaries, affiliates, or parent companies to your Company.
- v. The state of incorporation and agents for service of process in the state of incorporation.

ANSWER:

B. Garcia Trucking Co. ("Garcia Trucking")

Daniel Suarez, President
22 Summertree Lane
Collinsville, IL 62234

B. Garcia Trucking Co. is an Illinois corporation with no parent or subsidiary entities.

Agent Information:

Marleen Menendez Suarez
22 Summertree Lane
Collinsville, IL 62234

Request for Information No. 5: State the names, telephone numbers and present or last known addresses of all individuals who you have reason to believe may have knowledge, information or documents regarding any transportation of materials to the Site, the disposal of materials at the Site, or the identities of the companies whose material was disposed of at the Site. For each individual identified, summarize the types of knowledge, information or documents you believe he or she may have.

ANSWER:

Daniel Suarez, President. Mr. Suarez has knowledge of Garcia Trucking's transport of silica sand to Chemetco. Mr. Suarez's business address is 2760 North 45th Street, East St. Louis, Illinois. Mr. Suarez can be contacted through counsel.

Kathy Garcia, Office Manager. Ms. Garcia has knowledge of the limited historical financial records relating to Garcia Trucking's transport of silica sand to Chemetco. Ms.

Garcia's business address is 2760 North 45th Street, East St. Louis, Illinois. Ms. Garcia can be contacted through counsel.

Fred Hurley, former driver for Garcia Trucking. Mr. Hurley was the Garcia Trucking driver who delivered the silica sand from Unimin to Chemetco. Mr. Hurley's phone number is 618-337-4079 and Mr. Hurley is currently located in Cahokia, Illinois. Mr. Hurley retired from Garcia Trucking in approximately 2000.

Michael Minar, former driver for Garcia Trucking. Mr. Minar may have knowledge regarding the delivery of silica sand to Chemetco. Mr. Minar's last known phone number is (618) 741-1275. Mr. Minar was unable to be reached for purposes of responding to this Request for Information. Mr. Minar was employed by Garcia Trucking from approximately 1995 until 2008.

Christy Hahs, former bookkeeper for Garcia Trucking. Ms. Hahs may have knowledge regarding the invoices issued to and payment received by Chemetco for the silica sand delivery. Ms. Hahs' address and phone number are unknown. Ms. Hahs was employed by Garcia Trucking from approximately 1997 to 1999.

Mary Fernandez, former bookkeeper for Garcia Trucking. Based on her age, Ms. Fernandez has limited knowledge concerning Garcia Trucking's hauling for Chemetco. Ms. Fernandez served as the book keeper for Garcia Trucking for thirty years and retired from Garcia Trucking in 1997. Ms. Fernandez can be contacted through counsel.

Request for Information No. 6: State whether there exists any agreement or contract (other than an insurance policy) which may indemnify your Company, for any liability that may result under CERCLA for any release of a hazardous substance from the Site. If so, please provide a copy of the agreement or contract. Identify any agreement or contract that you are unable to locate or obtain and describe the relevant information contained therein. Identify by name and job title the person who prepared the document, and if the document is not readily available, state where it is stored or maintained and why it is no longer available.

ANSWER:

At the time of this response, Garcia Trucking is unaware of any such agreement or contract.

Request for Information No. 7: State whether an insurance policy has ever been in effect which may indemnify your Company against any liability which the Company may have under CERCLA for any release or threatened release of a hazardous substance that may have occurred at the Site. If so, please provide a copy of the policy. Identify any policy that you cannot locate or obtain by the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.

ANSWER:

At the time of this response, Garcia Trucking is unaware of any such insurance policy.

Request for Information No. 8: Identify all persons and entities from whom you accepted materials which were taken directly or indirectly to the Site.

ANSWER:

Garcia Trucking delivered silica sand from Unimin in Pevely, Missouri to Chemetco.

Request for Information No. 9: Identify the owners of the materials that were accepted for transportation by you, if not the same as the persons or entities described in 8, above.

ANSWER:

Please see above response. Garcia Trucking was paid to haul silica sand by Chemetco. Garcia Trucking is not certain, but assumes that Chemetco purchased this silica sand from Unimin for use in its operations at the Chemetco Site.

Request for Information No. 10: Identify the person who selected the Site as the location to which you took the materials.

ANSWER:

At the time of this response, Garcia Trucking is unaware who selected Chemetco as the location where the silica sand was delivered, but presumably this would have been done at the direction of Chemetco who presumably purchased the silica sand from Unimin.

Request for Information No. 11: Describe the measures taken by each person or company who gave the materials to you to transport to the Site to control how you would handle the materials in their transport to the Site.

ANSWER:

At the time of this response, Garcia Trucking is unaware of any such measures or if any such measures were given by Unimin or Chemetco.

Request for Information No. 12: For each material taken to the Site, describe any warnings or instructions given to you with respect to its handling.

ANSWER:

At the time of this response, Garcia Trucking is unaware of any such warnings or instructions given by Unimin or Chemetco.

Request for Information No. 13: Identify all of the Sites at which the materials were transshipped, or were stored or held at, prior to their final shipment to the Site.

ANSWER:

To best of its knowledge, Garcia Trucking picked up the silica sand from Unimin in Pevely, Missouri, and delivered the silica sand directly to Chemetco.

Request for Information No. 14: Provide the amount paid to you as a Transporter for accepting the materials for transportation to the Site, the method of payment, and the identity of the person who paid you.

ANSWER:

A copy of an invoice log book which was previously provided to EPA reflects the invoices issued by Garcia Trucking to Chemetco and the invoices paid by Chemetco.

- i. The years during which each customer's materials were taken to the Site.

ANSWER:

Garcia Trucking estimates it hauled silica sand to Chemetco from approximately 1995 to 1999.

- ii. Provide copies of all tests, analyses, and analytical results concerning each material that you took to the Site.

ANSWER:

Garcia Trucking is unaware of any tests or analysis conducted on the silica sand it transported to the Chemetco Site.

- iii. If you do not have documents responsive to the previous question, but believe others do, identify who might have such documents and the basis for such a belief.

ANSWER:

Please see above response.

- iv. Describe the containers used to ship materials from each customer sending materials to the Site, including containers (if any) that you provided to customers for such use, including but not limited to:
 - 1. the type of container (e.g., 55 gal. metal drum, 15 gal. cardboard drum, 5 gal. metal pail, etc.);

2. the condition of the container (e.g., open, closed, sealed, damaged, new, used, etc.);
3. the color of the container;
4. any distinctive stripes or other marking on the containers; and
5. any labels or writing on those containers (including the content of those labels or writing.

ANSWER:

Garcia Trucking delivered silica sand from Unimin to Chemetco in a twenty ton trailer which was silver with Garcia Trucking lettering in red on the side of trailer.

- v. Provide copies of all documents (including but not limited to log books, dump slips, manifests, receipts, and invoices) created or kept by you related to the collection of materials (including but not limited to composition and quantity of materials) from customers whose materials were taken to the Site.

ANSWER:

A copy of an invoice log book which was previously provided to EPA reflects the invoices issued by Garcia Trucking to Chemetco and the invoices paid by Chemetco. To its knowledge, this is the only record currently in Garcia Trucking's possession which references this hauling of sand to Chemetco.

- vi. Provide copies of all documents created or kept by you related to the nature, quantity or source of materials taken to the Site.

ANSWER:

Please see above response.

- vii. Provide copies of the correspondence to and from Chemetco and to and from any company sending material to Chemetco.

ANSWER:

Please see above response.

- viii. Provide all records created or kept by you concerning the nature or quantity of materials:
 1. collected from customers; and
 2. taken to the Site.

ANSWER:

Please see above response.

- ix. Identify all of your employees who may have taken or accompanied materials to the Site.

ANSWER:

Fred Hurley was the primary delivery driver who delivered the silica sand from Unimin to Chemetco on a daily basis. Mr. Hurley retired from Garcia Trucking in approximately 2000. Mike Minar may also have delivered the silica sand to Chemetco during his employ with Garcia Trucking.

- x. Identify your office manager during the time materials were transported to the Site.

ANSWER:

Ms. Mary Fernandez, Ms. Christy Hahs and Ms. Kathy Garcia served as office manager and book keeper during the time that Garcia Trucking hauled silica sand to Chemetco. Please also see response to Request for Information No. 5.

- xi. Identify your bookkeeper or other employee who handled the company's checkbook and accounts receivables during the time materials were transported to the Site;

ANSWER:

Please see above response.

- xii. Describe the vehicles used to transport materials to the Site, including but not limited to:
1. type of vehicles (e.g., tanker, flatbed, etc.);
 2. the color(s);
 3. distinctive markings (e.g., company names, logo); and
 4. number(s) of each type of vehicle.

ANSWER:

Garcia Trucking transported the silica sand from Unimin to Chemetco in a twenty ton trailer. The Garcia trailer used would have been silver in color with Garcia Trucking written in red on the side.

- xiii. Identify other Transporters that used to transport materials to the Site, including the types of vehicles used.

ANSWER:

At the time of this response, Garcia Trucking does not have any information regarding any other transporters who transported materials to the Chemetco Site.

Request for Information No. 15: Describe what was done to each type of material after it was taken to the Site.

ANSWER:

At the time of this Response, Garcia Trucking is unaware of what was done with the silica sand after it was delivered to the Chemetco Site although Garcia Trucking believes the sand was used as a raw material in Chemetco's process.

- i. Describe where each type of material brought to the Site was disposed of or otherwise placed.

ANSWER:

At the time of this Response, Garcia Trucking is unaware of where the silica sand was placed after it was delivered to the Chemetco Site.

- ii. If particular types of materials were placed or disposed of in separate or specific areas of the Site, indicate:
 1. the types of materials so placed or disposed;
 2. where on the Site those materials were placed or disposed; and
 3. how those materials were placed or disposed.

ANSWER:

Please see above response.

- iii. If particular customers' materials were placed or disposed of in separate or specific areas of the Site, indicate:
 1. the identify of each such customer;
 2. the nature and chemical composition of the customer's material so placed or disposed;
 3. the quantity of each such customer's material so placed or disposed; and
 4. where on the Site each such customer's material was so placed or disposed.

ANSWER:

Garcia Trucking hauled silica sand from Unimin to the Chemetco Site. Garcia Trucking understood that the silica sand was used as a raw material in Chemetco's operations. Besides

hauling from Unimin, Garcia Trucking is not aware that it hauled any material to the Chemetco Site.

- iv. If drums were placed or disposed of at the Site, indicate:
 - 1. where they were placed or disposed; and
 - 2. their condition when placed or disposed.

ANSWER:

Garcia Trucking is unaware of any drums it transported to the Chemetco Site.

- v. If liquids were placed or disposed of at the Site, indicate whether and how liquids were:
 - 1. mixed at the Site;
 - 2. placed or disposed in a separate area; and
 - 3. placed or disposed in their containers or removed from their containers.

ANSWER:

Garcia Trucking is unaware of any liquids it transported to the Chemetco Site.

- vi. Describe all procedures undertaken by you and the Site operator upon your arrival/entry on to the Site; including but not limited to:
 - 1. the completion of any documentation of disposal/placement at the Site;
 - 2. any exchange of cash or checks; and
 - 3. any review of permits or other authorities to dispose/place materials at the Site.

ANSWER:

At the time of this Response, Garcia Trucking is unaware of any procedures undertaken when the silica sand was delivered to the Chemetco Site. Garcia Trucking does not believe that any cash or checks were exchanged when the silica sand was delivered. Garcia Trucking invoiced Chemetco for the silica sand delivered based on the number of tons delivered.

- vii. Describe your procedures for paying for the disposal/placement of materials at the Site, including but not limited to:
 - 1. method of payment (e.g., cash, check, money order);
 - 2. the frequency of which those payments were made;
 - 3. to whom those payments were made;
 - 4. the total amount of those payments and the rates paid;
 - 5. where those payments were made (e.g., at the site, sent in mail, etc.); and
 - 6. provide the identity of the employee/agent in charge of accounting for and making such payments.

ANSWER:

Garcia Trucking was paid by Chemetco to haul silica sand to the Site for use as a raw material in Chemetco's process. Garcia Trucking did not make payments to dispose of any material at the Site.

- viii. Identify other individuals and entities that you have reason to believe may have taken or sent materials to the Site.

ANSWER:

At the time of this Response, Garcia Trucking is unaware of any other individuals or entities who delivered materials to the Site.

- ix. Of those individuals and entities identified in the response to the preceding question, specify which individuals or entities you observed at the Site, and indicate when those observations were made.

ANSWER:

Please see above response.

Request for Information No. 16: Please state the name, title and address of each individual who assisted or was consulted in the preparation of the response to this information request.

ANSWER:

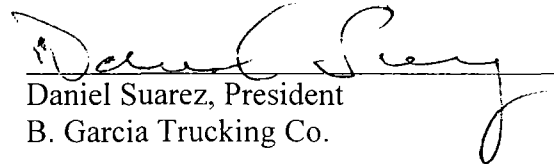
Daniel Suarez, President; Kathy Garcia, Office Manager; and Fred Hurley, former driver were consulted in the preparation of this response.

CERTIFICATION OF ANSWERS TO REQUESTS FOR INFORMATION

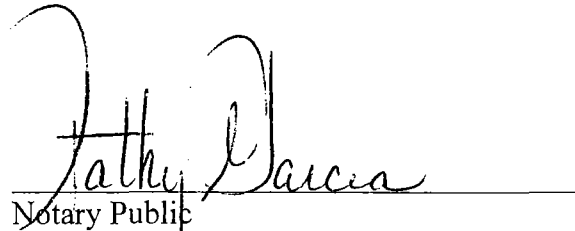
State of Illinois

County of Madison

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement this response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.


Daniel Suarez, President
B. Garcia Trucking Co.

Sworn to before me this date of July 26th, 2011


Notary Public